

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF INDIANA

INDIANAPOLIS DIVISION

IN RE:

RANEE SOWMYA RATHEE

CASE NO: 18-07091-JMC-13

DEBTOR

TRUSTEE'S MOTION TO DETERMINE VALIDITY OF PAYMENT CHANGE

Claim 7 – US BANK TRUST, NA as Trustee of the Cabana Series IV Trust / SN SERVICING CORPORATION

Comes now Ann DeLaney, Trustee herein, and moves the Court pursuant to Fed.R.Bankr.P. 3002.1P for the entry of an order in this case determining the status of the monthly mortgage payment as set forth in the Notice of Mortgage Payment Change (the Notice) filed by us Bank Trust, NA / SN Servicing Corporation (Creditor) on December 9, 2021. In support of this Motion, Trustee states as follows:

1. Debtor filed Chapter 13 Bankruptcy on September 14, 2018. Included in Debtor's confirmed plan is a provision for Debtor's post-petition mortgage payments to be paid via Trustee conduit to the mortgage creditor.
2. Wells Fargo Bank, NA filed Proof of Claim #7 (POC) on November 21, 2018. The POC showed the post-petition monthly mortgage payment as \$1,583.87, which was comprised of \$1,371.87 in principal & interest and \$212.00 in escrow. No Escrow Shortage nor Surplus factor was used in calculating the monthly payment.
3. Also specified on the POC was arrearage as of date of the petition of \$56,998.33. Part of the arrearage calculation was a projected escrow deficiency of \$4,941.72 and a projected escrow shortage of \$2,372.67. The escrow calculations as part of the pre-petition arrearage total \$7,314.39.
4. On December 11, 2019, Wells Fargo Bank, NA filed a Transfer of Claim Other than for Security transferring the claim to US Bank Trust, NA as Trustee for Igloo Series IV Trust with the servicer listed as SN Servicing Corporation. On July 21, 2021, US Bank Trust, NA as Trustee for Igloo Series IV Trust filed a Transfer of Claim Other than for Security to US Bank Trust, NA as Trustee of the Cabana Series IV Trust with SN Servicing Corporation remaining as the servicer.

5. Since the filing of the POC in 2018, three Notices of Mortgage Payment Change have been filed:

Effective Date	New Total Monthly Payment	New Escrow Amount
8/1/2019	\$1,598.35	\$226.48
6/1/2020	\$1,976.84	\$604.97
1/1/2022	\$2,239.88	\$868.01
Original POC	\$1,583.87	\$212.00

6. All payment changes have been due to escrow increases. There has been no change in the interest rate on any of the Notices.
7. Since the filing of the POC in 2018, the escrow portion of the mortgage payment has increased \$656.01 per month, which translates into an annual increase of \$7,872.12. The Trustee is requesting the basis of this increase(s) and the specific factors attributing to it. As part of that increase are the ever-increasing escrow shortages that apparently do not include the \$7,314.39 in escrow shortages and deficiencies collected as part of the pre-petition arrearage on the POC. To date, the Trustee has not distributed any funds towards the pre-petition arrearage section of the claim. At this time, the accuracy of the Notice cannot be verified and the latest increase cannot be determined to be warranted.

WHEREFORE, after providing the opportunity to object, your Trustee requests that this Court issue an order determining the status of the monthly mortgage payment as set forth in the Notice filed December 9, 2021, by the Creditor, and, if applicable, direct Creditor to file an amended Notice and for such further relief as the Court deems just.

Respectfully submitted,

Date: January 27, 2022

/s/ Ann DeLaney
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CERTIFICATE OF SERVICE

I do hereby certify that a copy of the forgoing Motion has been duly served upon the following individuals, by electronic of United States mail, first class postage prepaid, on this date:

January 27, 2022

U. S. Trustee

via electronic mail

Gloyeski Law Office

via electronic mail

US Bank Trust, NA as Trustee
of the Cabana Series IV Trust

c/o SN Servicing Corporation, 323 Fifth St., Eureka, CA 95501

Ranee Sowmya Rathee

150 N. Meridian St., A301, Indianapolis, IN 46204